

Appl. No. 10/064,463  
Amdt. dated February 24, 2005  
Reply to Office action of November 24, 2004

REMARKS/ARGUMENTS

Examiner:

Figures 1-3 should be designated by a legend such as —Prior Art—because only that which is old is illustrated.

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Response:

Please amend the current application as identified in the “Amendments to the Drawings section of this response. The replacement drawings each include the legend “Prior Art” as required. No new material has been introduced.

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Examiner:

Claims 1, 3-4 and 7-8 [are] rejected under 35 U.S.C. 103(a) as being unpatentable over Oliveira US 2002/0107025 and further in view of Hjelm et al. US 6,529,497 (hereinafter Oliveira and Hjelm). Claims 2, 5 and 8 [are] objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response:

The Applicant acknowledges and appreciates the allowance of claims 2, 5, and 6 if rewritten appropriately. Without disclaimer of any kind regarding the merits of claims as originally filed, the Applicant has chosen to incorporate the limitations of claim 2 into claim 1 and claim 2 has been cancelled. No new material has been introduced. As such, it is believed that the Examiner will now find claims 1 and 3-6 dependent thereon allowable and respectfully requests reconsideration and allowance of these claims.

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Concerning claims 7 and 8, the Examiner seems to agree that Oliveira teaches utilizing a timer to detect an "in service" condition between a mobile unit and a base station and that Hjelm teaches utilizing a timer for maintaining for a limited period of time an allocated channel currently having no traffic.

However, it is unclear exactly what the Examiner means when suggesting that the combination of Oliveira and Hjelm anticipate claims 7 and 8 of the present invention. The current application provides a method for ensuring that a Radio Resource Control (RRC) supported by a mobile unit of a wireless communications system does not inadvertently release allocated radio bearers and move the mobile unit to an Idle Mode after the RRC switches from indicating an "Out of Service" condition to indicating an "In Service" condition. This is a very specific situation and is claimed as such.

In claim 7, the RRC is in the CELL-FACH state and (in order) detects an "Out of Service" condition. After detecting the "Out of Service" condition, a timer happens to go off that indicates a need for a periodical cell update. Note that this situation is coincidental and not as a result of the detection of the Out of Service condition. A second timer is started as a direct result of the expiration of the first timer and limits the duration that the RRC should look for a suitable cell to camp on. If a suitable cell cannot be found before expiration of the second timer, the RRC releases the radio bearer and enters an Idle mode.

Although Hjelm teaches using a timer to limit a duration of holding an activated channel currently having no traffic, the Applicant is unable to find any teachings in either of the references to suggest that in this particular situation where the mobile is in the CELL\_FACH state, detects an Out of Service condition, then starts a timer as the result of a need for a periodical cell update, then the RRC detects an In Service condition, that the timer requires to be stopped "if a Cell Update procedure is not ongoing and a URA Update procedure is not ongoing" (Claim 7) to

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5 avoid the RRC releasing the radio bearer and entering the Idle Mode. In Hjelm, if the timer is not stopped, the RRC deactivates the related channel but does not enter the Idle Mode. The situation is very different from those taught by the cited references and the Applicant suggests that the cited references fail to specifically meet all claim limitations and that no suggestion can be found in the references to do so.

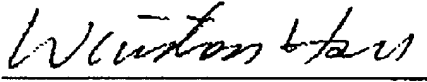
10 Claim 8 again describes a highly specific situation where (in order) the RRC enters a CELL\_FACH state, detects an Out of Service condition, starts a timer to limit the duration to regain service before releasing allocated resources and entering the Idle Mode, the RRC detects an In Service condition before the timer expires, and stops the timer "if a Cell Update procedure is ongoing, or stopping the third timer if a URA Update procedure is ongoing" (Claim 8) to avoid the RRC releasing allocated resources and entering the Idle Mode. Again, the situation is very different from those taught by the cited references, the cited references fail to specifically meet all claim limitations, and no suggestion can be found in the references to do so.

20 It is also acknowledged that the Examiner notes that Oliveira does not teach timers for bearer channel release and that Hjelm teaches dynamically setting the duration of the timers. However, the suggestion that references can possibly be modified to meet the claims is not enough to consider the modification obvious. The Applicant believes that one of ordinary skill in the art would have found no suggestion or motivation in the cited disclosures to use the teachings, alone or in combination, to solve the specific problems at which the present invention is directed and that the references alone or in combination further fail to meet every claim limitation.

25 Therefore, the Applicant respectfully requests reconsideration and allowance of claims 7 and 8.

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Sincerely yours,



Date: February 24, 2005

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